

Message Text

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TAGS: EFIN, PFOR, MA, US

SUBJECT: REPORT TO CONGRESS ON SIGNIFICANT US GOVERNMENT CLAIMS
AGAINST FOREIGN GOVERNMENTS - MADAGASCAR

REF: STATE A-2021, 4/14/76

1. FOLLOWING IS INFORMATION ON A RECENT US CLAIM AGAINST
THE GOVERNMENT OF MADAGASCAR, IN ACCORDANCE WITH REPORTING
FORMAT OUTLINED IN REF.

2. COUNTRY: MADAGASCAR

3. EVENTS LEADING UP TO THE CLAIM:

A. FROM 1963 TO 1975 NASA OPERATED A SATELLITE TRACKING
STATION NEAR TANANARIVE UNDER TERMS OF A BILATERAL AGREEMENT
WITH THE GOVERNMENT OF MADAGASCAR, FIRST CONCLUDED BY EXCHANGE
OF NOTES IN OCTOBER 1963 AND LATER EXTENDED BY EXCHANGES OF
NOTES IN 1967 AND 1971.

B. IN 1973, NEGOTIATIONS FOR A NEW AGREEMENT ON THE OPERATION
OF THE STATION COMMENCED. MALAGASY NEGOTIATORS REQUESTED
PAYMENT OF RENT FOR THE USE OF THE LAND OCCUPIED BY THE
STATION. A PROPOSED NEW AGREEMENT NEGOTIATED IN 1973-74
BUT NEVER SIGNED PROVIDED FOR THE ANNUAL RENTAL PAYMENT
OF \$100,000 BEGINNING IN 1973.

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PAGE 02 TANANA 00684 261453Z

C. IN MID-JUNE 1975, THE NEW PRESIDENT OF MADAGASCAR, DIDIER RATSIRAKA, DEMANDED PAYMENT OF \$10 MILLION IN SO-CALLED "BACK RENT" FOR THE PERIOD 1963-72 AND RENTAL PAYMENTS OF \$1 MILLION ANNUALLY THEREAFTER AS A CONDITION FOR SIGNING A NEW AGREEMENT. HE DEMANDED THAT THE RENTAL QUESTION BE SETTLED ON HIS TERMS BEFORE LAUNCHING OF APOLLO-SOYUZ FLIGHT JULY 14, 1975, WHICH TANANARIVE NASA STATION WAS TO AID IN MONITORING. THE US REPLIED WE HAD NO OBLIGATION UNDER PAST AGREEMENTS TO PAY ANY RENT FOR THE LAND USED FOR THE TRACKING STATION, WHEREUPON RATSIRAKA FORCED THE CLOSING OF THE STATION ON JULY 11, 1975.

4. AMOUNT OF CLAIM: \$12.5 MILLION, ESTIMATED VALUE OF EQUIPMENT AT STATION, JULY 1975.

5. BRIEF DESCRIPTION OF ISSUE INVOLVED: SINCE CLOSURE OF THE NASA STATION IN JULY 1975, THE GOVERNMENT OF MADAGASCAR HAS REFUSED TO LET US REMOVE THE EQUIPMENT AT THE STATION, WHICH IS PROPERTY OF THE USG, UNTIL ITS CLAIM FOR "BACK RENT" HAS BEEN SETTLED. AS INDICATED ABOVE, IT IS THE US POSITION THAT NO RENT IS OWED UNDER THE TERMS OF THE BILATERAL AGREEMENTS.

6. STATUS OF USG EFFORTS TO RESOLVE CLAIM: ON AUGUST 7 AND DECEMBER 23, 1975 DIPLOMATIC NOTES WERE DELIVERED TO THE MALAGASY GOVERNMENT SETTING FORTH THE US LEGAL POSITION THAT NO BACK RENT IS OWED, AND INSISTING ON OUR RIGHT TO REMOVE OR DISPOSE OF THE PROPERTY AT THE NASA STATION. THE MALAGASY REPLY TO OUR FIRST NOTED REJECTED OUR CLAIM. THEY HAVE YET TO REPLY TO OUR NOTE OF DECEMBER 1975.

7. DATE OF LAST CONTACT WITH COUNTRY: FEBRUARY 28, 1975; ORAL DEMARCHE DELIVERED TO THE PRIME MINISTER OF MADAGASCAR.

8. AGENCY AND NAME OF INDIVIDUAL TO BE CONTACTED FOR FURTHER INFORMATION: STATE AF/E; RUSSELL C. BARBOUR. SHEINBAUM

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